

City of Fort Lauderdale Planning and Zoning Board
2-ZPUD-05

STAFF REPORT
January 19, 2006

Applicant	Miceal O'Leary/A1A Condominiums North Parcel	
Request	Site Plan Level IV/ Rezoning from CB and RMH-60 to PUD including Site Plan Approval – Fifty Seven (57) Multi-Family Residential Units with Flex Allocation of Thirty-Two (32) Residential Units	
Location	2950 NE 33 rd Avenue	
General Location	South side of NE 30 Street between Ocean Boulevard (State Road A-1-A) and NE 33 Avenue	
Legal Description	<p>Lauderdale Beach, Block 1, Lots 90, 91 and 92, according to the plat thereof as recorded in P.B. 4, P. 2, of the Public Records of Broward County, Florida,</p> <p>Together with</p> <p>Lauderdale Beach Extension, Unit "B", Block 23, Lots 1 and 2, according to the plat thereof as recorded in P.B. 29, P. 22, of the Public Records of Broward County, Florida.</p>	
Property Size	61,592 Square Feet (1.41 Acres)	
Zoning	CB (Community Business) & RMH-60 (Residential Medium High-Sixty Units per Acre)	
Existing Use	Commercial site with surface parking lot	
Future Land Use Designation	Commercial/Residential – High	
Comprehensive Plan Consistency	Consistent with Future Land Use Element, Permitted Uses, when flexibility units are allocated.	
Other Required Approvals	City Commission Approval of the Rezoning and Site Plan	
Applicable ULDR Sections	<p>Sec. 47-37 Planned Unit Development</p> <p>Sec. 47-24.4 Rezoning</p> <p>Sec. 47-25.2 Adequacy Requirements</p> <p>Sec. 47-25.3 Neighborhood Compatibility</p>	
Setbacks/Yards	Required	Proposed
	Corner (n) 5'-0" (CB zone)	5'-0"
	Side (s) 52'-6" (RMH-60)	12'-0"
	Corner/rear (w) 52'-6" (RMH-60)	51'-9"
	Front (e) 52'-6" (RMH-60)	28'-8"
Lot Density	CB zone = 25 dus/acre RMH-60 = 48 dus/acre (on barrier island)	31.67 dus/acre
Lot Size	2 Acres	61,592 Square Feet
Lot Width	CB zone = None RMH-60 = 60' minimum	North 347'-11' East 149'-10" West 179'-1"
Building Height	Up to 150'-0"	105'-0"
Structure Length	CB zone = N/A RMH-60 = 200' maximum	315'-6"
Floor Area	CB zone = N/A RMH-60 = 400' s.f. minimum/unit	Smallest unit = 1455 s.f.

VUA Landscaping	Minimum 20% = 6,226.8 s.f.	9,511 s.f.
Landscaping Lot Coverage	Minimum 35% = 21,557 s.f.	21,850 s.f.
Open Space	According to Sec. 47-37.7.C, open space must be "compatible with the surrounding area in accordance with Section 47-25.3 A.3.e.i."	See Neighborhood Compatibility narrative below.
Parking	119 spaces	122 spaces
Notification Requirements	<ul style="list-style-type: none"> • Mail Notice to Property Owners within 300' • Sign Notice Along Roadways • Newspaper Notice *Notice Requirements Pursuant Section 47-27.5 Rezoning and Change in Uses	
Action Required	Planned Unit Development District (47-37)	
Project Planner	Name and Title	Initials
	James Cromar, Planner III	
	Greg Brewton, Acting Planning and Zoning Deputy Director	
	Marc LaFerrier, AICP, Planning and Zoning Director	
Authorized By		
Approved By		

Request:

The applicant is requesting Rezoning from CB and RMH-60 to PUD including Site Plan Approval for a nine-story building with a total of 57 residential units. The Board is reviewing the project for rezoning to PUD, site plan approval, and allocation of flex units.

Property/Project Description:

The project sits on an unusual site. The property currently has split zoning – CB zoning on the north portion and RMH-60 on the southern portion. There is a one-story commercial building and surface parking on the portion of the property with CB zoning. The portion of the site with RMH-60 zoning is currently a surface parking lot with driveways on A-1-A to the east and NE 33 Avenue to the west.

The applicant is requesting a rezoning from Community Business (CB) and RMH-60 zoning to Planned Unit Development District (PUD) to construct a residential project with a total of fifty-seven (57) residential units. Due to the underlying Land Use designation in the County Comprehensive Plan, the applicant has geographically assigned the residential density to the portions of the site with the corresponding Designated Land Use. Specifically, the density on the portion of the site with Commercial Land Use designation meets the maximum density requirement of 25 dwelling units per gross acre. The portion of the site that is designated Residential – High Land Use meets the maximum density requirement of 48 dwelling units.

Requirements of the Planned Unit Development District (ULDR Sec. 47-37)

The site plan packet that accompanies this application contains a point-by-point narrative addressing the requirements of the ULDR regarding the request to rezone to PUD. The Board will make the determination as to whether the applicant has met the requirements of this section.

Conditions for PUD Rezoning (47-37.3)

The project site does not meet the minimum requirement of two (2) acres for a PUD district. The ULDR allows that the Board may make a recommendation to the City Commission to modify this requirement based on the “project’s location along a mass transit (bus) route and the improvements associated with the integration of the bus stop to the development site.” Broward County Transit (BCT) Routes 11 and 36 currently serve the proposed project.

Uses Permitted (47-37.4)

The permitted uses within the PUD district are established with the rezoning to PUD.

The applicant has requested solely residential uses on the site.

Parking and Traffic:

The applicant has responded to the Development Review Committee Engineering comments and provided a traffic study prepared from Cathy Sweetapple & Associates.

Landscaping:

The project meets the requirements of the ULDR. Landscaping on the site includes a garden area fronting on A-1-A, and a variety of architectural features and landscaping along the northern edge of the project.

Adequacy and Neighborhood Compatibility:

The applicant has addressed the requirements for Adequacy and Neighborhood Compatibility.

Yard Modifications:

The PUD rezoning allows the applicant to propose “development that is not otherwise permitted under traditional zoning districts and development standards.”

Building (Located)	TYPICALLY REQUIRED IN THE CB DISTRICT	PUD PROPOSAL
Corner (n)	5'-0"	5'-0"
Side (s)	10'-0" when contiguous to residential property	N/A
Corner/rear (w)	5'-0"	N/A
Front (e)	5'-0"	N/A
Building (Located)	TYPICALLY REQUIRED IN THE RMH-60 DISTRICT	PUD PROPOSAL
Corner (n)	Half the height = 52'-6"	N/A
Side (s)	Half the height = 52'-6"	12'-0"
Corner/rear (w)	Half the height = 52'-6"	51'-9"
Front (e)	Half the height = 52'-6"	28'-8"

Comprehensive Plan Consistency:

The proposed project is consistent with the Future Land Use Element of the City’s Comprehensive Plan. Residential uses are permitted on commercial land use, without the need to amend the Land Use Plan Map, provided that the City applies flexibility units and meets criteria as defined in *Chapter 2, Future Land Use Element -Permitted Uses, B. Commercial Use*, of the Comprehensive Plan. This project will require the allocation of thirty-two (32) residential flexibility units.

Prior Reviews:

The Development Review Committee (DRC) reviewed this proposal on August 23, 2005. The applicant also presented a request for an easement vacation to the PROW Committee on November 17, 2005 and to the DRC on January 10, 2006.

Planning & Zoning Board Review Options:

1. If the Planning and Zoning Board determines that the application meets the criteria for rezoning to Planned Unit Development, the recommendation shall be forwarded to the City Commission for consideration.
2. If the Planning and Zoning Board determines that the criteria for rezoning to Planned Unit Development have not been met, the Board shall deny the application and procedures for appeal to the City Commission as provided in Sec. 47-26B, Appeals, shall apply.

Acting as the Local Planning Agency, the Board's motion should include a finding of compliance with the City's Comprehensive Plan and the criteria for rezoning.

Should the Board approve the proposed development, staff proposed the following conditions:

1. The proposed development is in an area that has the potential to generate impacts from construction debris due to high winds and close proximity to existing uses. As such, in order to ensure that construction debris remains on site and does not become a nuisance to neighboring properties, prior to application for a building permit, a Construction Debris Mitigation Plan shall be submitted to include but not be limited to the requirements of the Construction Debris Mitigation Policy as attached, and as approved by the City's Building Official.
2. All construction will require approval from all pertinent environmental review agencies.
3. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
4. Final DRC approval.

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City of Fort Lauderdale
Building Services Division Construction Debris Mitigation Policy

Section 24-11 Construction Sites, of the City of Fort Lauderdale Code of Ordinances is for the purpose of controlling construction debris. In accordance with the Code, any property under construction is required to contain construction debris on the subject property site. In an effort to ensure that construction debris does not spillover onto adjacent sites, the Building Services Division will require the following mitigation measures as minimum conditions to prevent the spillover of construction debris onto adjacent properties. These measures are to be included in a Construction Debris Mitigation Plan, which will be submitted to the Building Official, prior to the issuance of a building permit for the subject project. Additional measures may be required to ensure compliance with the Code, as deemed necessary by the Building Official.

1. Extermination of the site and buildings prior to demolition. A certificate certifying that the site has been exterminated is required to obtain a demolition permit.
2. Wet demolition of existing buildings is required to minimize dust.
3. Install and maintain a 6' screening (wind blown) on all ground level perimeter site fencing to minimize dust and debris blowing out to surrounding buildings.
4. Adherence to all state and county regulations with regards to the handling of asbestos in existing buildings.
5. Provide for construction employee parking and construction staging areas, to be reviewed and approved by the City's Engineering Department, and as necessary the City's Zoning and Parking Divisions.
6. The Building Division will require measures to minimize the airborne concrete when pouring. Such measures may include, but are not limited to, use of a wet saw when cutting concrete, wind screens around saws on concrete work deck; wind screens on end of concrete pump hose, etc.
7. The Building Division will require measures to minimize airborne debris from all open floors, including but not limited to, a requirement that each floor undergoing construction activity be wrapped to control the spillover of concrete and dust onto adjacent properties.
8. Sweeping compound will be required to minimize dust when sweeping the open floors of the building.
9. Broom cleaning of adjacent streets and sidewalks is required on a daily basis.
10. A hot line telephone number for the subject property is required to address issues as they arise.
11. On site visits by City Building Inspectors and other building officials will occur, as needed, to ensure that the concerns of adjacent property owners regarding construction debris and noise are being properly and timely addressed. The costs incurred for such inspections will be borne by the applicant